IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

WP(C).No. 29130 of 2005(P)

PETITIONERS:
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1. PREMAKUMAR, S/O.MADHAVAN,
KUZHICHAMADATHIL HOUSE,
MARATHAKKARA.P.O., THRISSUR.

2. SATHY, W/O.PREMAKUMAR,
KUZHICHAMADATHIL HOUSE,
MARATHAKKARA.P.O., THRISSUR.

BY ADV. SRI.C.E.UNNIKRISHNAN

RESPONDENTS:
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1. THE KERALA CO-OP. TRIBUNAL,
THIRUVANANTHAPURAM.

2. SPECIAL SALE OFFICER,
THRISSUR URBAN CO-OPERATIVE BANK GROUP
OFFICE OF THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), THRISSUR.

3. GENERAL MANAGER,
THRISSUR URBAN CO-OP. BANK LTD. NO. 87,
THRISSUR.

BY ADV. SRI.C.D.DILEEP
GOVERNMENT PLEADER (SHRI P. K. RAVIKRISHNAN)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C). NO.29130 OF 2005 P

PETITIONERS' EXHIBITS:

EXT.P1 **TRUE COPY OF AWARD DATED 30.05.2005 IN R.P.321/02 OF THE KERALA CO-OP. TRIBUNAL, THIRUVANANTHAPURAM.**

EXT.P2 **TRUE COPY OF NOTICE DATED 2.9.2005 ISSUED BY THE SECOND RESPONDENT.**

RESPONDENTS' EXHIBITS: NIL.

// TRUE COPY//

PS TO JUDGE.

K. M. JOSEPH, J.

W.P.C. NO. 29130 OF 2005 P

Dated this the 7th September, 2007

JUDGMENT

Petitioners availed a loan. It was not repaid. Recovery proceedings are challenged. I heard the learned counsel for the petitioners and the learned standing counsel appearing on behalf of the respondent Bank. Petitioners do not dispute that the interim order is not complied with. However, they pray that they may be permitted to pay off the amount in five instalments. The Writ Petition is disposed of as follows:

Petitioner is permitted to pay off the amount remaining to be paid with due interest in five equal monthly instalments. The third respondent Bank will serve a Statement on the petitioners showing the amount remaining to be paid with due interest and showing the exact amount of instalments to be paid in terms of this Judgment, within two weeks from today. The petitioners shall pay the first instalment on or before 10.11.2007 and the remaining instalments shall be paid on or before the 10th of

every succeeding month. If any of the instalments is not paid, petitioner will lose the benefit of this Judgment and it will be open to the respondent Bank to proceed against the petitioner in accordance with law.

K. M. JOSEPH, JUDGE

kbk.